

# Rickner PLLC

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October 28, 2024

**Via ECF**

Hon. Arun Subramanian  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Courtroom 15A  
New York, NY 10007-1312

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: October 29, 2024

Re: *Green et al. v. City of New York et al.*, 24 cv 1864

Your Honor:

My office represents Plaintiffs in the above-referenced matter and writes, after conferral with Defendants' counsel, ACC Eric Hiatt, to respectfully request (1) an adjournment or stay of expert discovery pending the completion of fact discovery in this case, to which Defendants consent; and (2) a deadline by which Defendants must respond to Plaintiffs' discovery demands. The current scheduling order (Doc. 27) requires expert disclosures be made by October 29, 2024, and Defendants' disclosures be made by November 29, 2024. The overall discovery deadline is December 31, 2024. This is the first request for an extension of any discovery deadline in this case.

At this time, the parties are not prepared to make expert disclosures, as fact discovery is ongoing, and it is not yet clear if liability experts will be necessary in this case. Moreover, Defendants have not yet responded to Plaintiff's August 30, 2024 combined Rule 33 and Rule 34 demands, or provided their Rule 26 Initial Disclosures. The parties have conferred by phone and email several times, and Plaintiffs have provided numerous curtesy extensions to Defendants to produce discovery. As of the date of this letter request, Plaintiffs have no disclosures from Defendants.<sup>1</sup>

For this reason, in addition to adjourning expert discovery to a date after the close of fact discovery, Plaintiffs respectfully request a date certain by which Defendants must respond to their demands and make responsive disclosures, ideally within the next two weeks. While we are not requesting an extension of the December 31, 2024 fact discovery deadline at this time, any further delay in receiving basic discovery will necessarily impede Plaintiffs' ability to timely prosecute their case.

We thank the Court for its time and consideration of these requests.

Sincerely,



Stephanie Panousieris

<sup>1</sup> The parties have also begun early settlement discussions in an effort to resolve this case. However, during the parties October 18, 2024 phone conferral, Plaintiffs made clear to Defendants that they do not consent to a stay or delay of paper discovery while these informal discussions take place. After noticing Plaintiffs' intent to file this letter, ACC Hiatt indicated that production is anticipated by tomorrow, October 29, 2024. Plaintiffs therefore do not request a discovery conference at this time, but do request a deadline by which disclosures must be made to ensure compliance.